THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.10420 OF 1998

DATED: 15-06-2007

Between:

O. Dhananjayan

.. Petitioner

and

The Managing Director, A.P. State Housing Corporation Limited, Hyderabad.

.. Respondent

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.10420 OF 1998

ORDER:

This writ petition is filed seeking a mandamus declaring the action of the respondent in ordering fresh enquiry against the petitioner, vide proceedings No.A2/3241/96 dated 20.02.1998, without setting aside the earlier enquiry report submitted by the District Manager, A.P. State Housing Corporation Limited, Nellore, dated 22.4.1997, and without following the procedure, as arbitrary and illegal.

It appears, while the petitioner was working as Assistant Engineer with the respondent-Corporation, an enquiry was launched against him for certain grave irregularities committed by him in execution of housing colonies at Punganur Urban Housing Colony and Chowdapalli sections of rural housing, Chittoor District and he was placed under suspension with effect from 07.5.1996. Initially, the District Manager (H), A.P. State Housing Corporation Limited, Nellore, was appointed as enquiry officer to conduct a regular enquiry, who submitted his report on 22.4.1997. But, on the ground that the enquiry officer, in his report, has not covered all the allegations levelled against the petitioner, a second enquiry was launched against him and the General Manager, District Industries Centre, Chittoor was appointed as enquiry officer. The grievance of the petitioner is that, without furnishing any valid reasons, a second enquiry was initiated against him and there was no necessity at all to conduct a second enquiry into the matter.

It is to be noticed that, when the respondent found that the enquiry

conducted by the first enquiry officer was defective and a second enquiry is necessitated, to avoid any further inconvenience to the petitioner, he was reinstated into service with effect from 12.11.1997 without prejudice to the disciplinary action initiated against him.

I am of the opinion that it cannot be said that there was no necessity to conduct a second enquiry. This is a case where, since the enquiry conducted by the first enquiry officer was found to be defective as all the allegations levelled against the petitioner have not been covered in the report submitted by him, a second enquiry was initiated to conduct further enquiry into the matter, which cannot be said to be either arbitrary or illegal. Thus, the respondent has not committed any error in initiating a second enquiry appointing a second enquiry officer. No grounds are made out to interfere into the impugned order. The writ petition is devoid of merits and is liable to be dismissed.

The writ petition is accordingly dismissed. No costs. The respondent is entitled to proceed with the enquiry and pass appropriate orders as per law, after putting the petitioner on notice.

C.V. RAMULU, J

15th June, 2007.
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